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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,045	02/28/2001	Werner Vogt	4595-18PUS	6837

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EXAMINER

KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1734

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DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,045

Applicant(s)

VOGT, WERNER

Examiner

George R. Koch III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14, 17-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14, 17-20, 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE-92,18,985 in view of Morse (US Patent 3,551,952)

DE-92,18,985 discloses a method for producing a card shaped information carrier involving covering the surface of a card size region of blank material with a transparent layer (see Claim 1). The layer is pressed onto the surface of the card while being subjected to heat and pressure simultaneously (claim 6). For positioning and receiving the card to be laminated, DE-92,18,985 further discloses a hollow mold-like frame that can be placed on base plate for receiving cards or templates to be laminated and a top plate that can be set on the card in the frame (see claim 10, for example).

DE-92,18,985 does not disclose in a peripheral narrow outer boundary region of the inserted template quantities of heat flowing off per se there are retained, blocked in, and concentrated back on the template.

Morse discloses an apparatus for applying heat and pressure to laminates wherein a blocking structure (item 14 and 15) which covers the peripheral, narrow, outer boundary of the pressing structure. Morse discloses that the structure prevents the loss of heat during the pressing operation (see column 1, lines 16-18, see also column 2, lines 25-33, see also column 2, lines 46-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the blocking structure of Morse in the overall method of DE-92,18,985 in order to reduce the heat loss of the method and apparatus, thus improving the overall efficiency.

As to claim 13, DE-92,18,985 discloses that the laminate template includes a plurality of sized card layers (best seen in Figure 2, elements 6 and 5).

5. Claims 14 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of XP-002128554, Honda and Morse.

Okada discloses an apparatus capable of creating card shaped information carriers (Okada discloses mold dimensions of 100.1 mm by 100.1 mm, as in column 3, lines 61-67, which is taken to be "card-shaped"). Okada's apparatus comprises a frame defining a cavity (item 4, also called a restraining mold)), and that the frame has internal dimensions which correspond to the final dimensions. Okada further discloses heating plates (items 2 and 3) arranged on both sides of the frame forming by its internal dimensions the cavity for the lamination process. The heating plates include an upper plate (item 2), and a lower plate (item 3). Both of the heating plates have external dimensions that correspond to the internal dimension of the frame and are insertable with a prestressing action into said frame so as to produce the pressure required for lamination (from items 5).

Okada does not disclose that the frame, or side structure, is designed to have peripheral regions which consist of a material which is slightly heat conducting, reflects heat and concentrates heat back onto an inserted laminated. Furthermore, Okada does not disclose that the frame has a reduction in material in a transitional edge region in order to increase specific contact pressure between the frame border edge and the upper heating plate.

Morse and XP-002128554 discloses that it is useful to include thermally insulated plates, i.e., a frame made of a slightly heat conducting material, positioned around the hot

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plates, and further including a heat reflective layer. This structure would reflect heat and concentrate heat back onto the laminate. Morse discloses that such a structure (items 14 and 15) would block in heat. XP-002128554 also discloses that the heat radiation and heat dispersion are reduced due to this structure. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have made the frame of Okada out of a slightly heat conductive material as suggested by Morse and XP-002128554 in order to reduce heat radiation and dispersion and improve lamination operation.

Honda discloses various side structures (such as element 5 in Figures 1, 2 and especially element 6 in Figures 3, 4) which disclose frame structures with reduction of material in a transitional edge region for contact with the lower press structure. Honda discloses that such a profile allows for sealing the gap between the pressing structures and improves the heat and pressure lamination operation (see, for example, columns 6 and 7). Honda does not disclose reversing the parts so the structure so that the transitional edge region with reduction of material contacts the upper platen. However, such a reversal is obvious as it is a functional equivalent of the structure of Honda since it merely rearranges or reorients the structures of the first plate, the second plate, and the transitional edges as an obvious design choice with no unexpected results. (See *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated such a profile in the upper portion of the frame and upper heating press of

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Okada (as modified by XP-002128554, and Vogt) in order to improve contact between the frame and the heating plate and thus improve the heat lamination operation.

As to claim 22, Honda discloses the reduction in material being formed by a peripheral outer annular recess (see element 6 in Figures 3 and 4).

6. Claims 17- 20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada, XP-002128554, Honda and Morse as applied to claims 14, and 22 above, and further in view of Vogt (US patent 5,399,223).

As to claim 17, Okada discloses that the heating plates include an upper and lower heating plate (item 6 and surrounding structure), and that the lower plate has external dimensions corresponding to the frame (item 4).

Okada, XP-002128554, Honda and Morse does not disclose a cooling structure.

Vogt discloses a cooling body (item 21a) which is inserted into a frame (items 19a and 19b) which is used in a process for laminating identification cards. The addition of this cooling body with the Peltier effect is disclosed as enabling the cooling effect to be enhanced in a particularly efficient way (column 5, lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a cooling body as suggested by Vogt in order increase the efficiency of the cooling and improve the operation speed.

As to claim 18, Okada discloses that both heating plates have dimensions that correspond to the internal dimensions of the frame.

Okada, XP-002128554, Honda and Morse do not disclose that one of the heating plates is insertable into the frame by a means for prestressing acting on the cooling body adjacent to the lower heating plate.

Vogt discloses that the lower plate (Figure 1, item 17) is insertable into the frame (Figure 1, items 19a and 19b) by means of a prestressing action created by springs 24, which are acting upon both cooling body (item 21a) and lower plate (17). Vogt further discloses that these springs provide sufficient laminating pressure for the lamination operation (specifically recited in column 8, lines 18-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included structure for inserting the lower heating plate in order to provide sufficient laminating pressure and improve lamination efficiency.

As to claim 19, Okada clearly discloses a lid structure in Figures 1 and 3. The portion of plate 2 which is disposed above frame 4 functions as a lid structure.

As to claim 20, Okada discloses pressure producing means for pressing the frame and upper heating plate firmly together (see element 5 in Figure 3).

As to claim 23, Okada discloses frame prestressing means for pressing the frame against the boundary lip of the upper heating plate (see element 5 in Figure 3). As modified by Honda, such a structure would press the transitional edge against the upper heating press.

As to claim 24, Okada discloses that these prestressing means are supported on the heater block.

Okada, XP-002128554, Honda and Morse do not disclose supporting the frame via any structure on top of the cooling block.

Vogt discloses supporting the frame by means of prestressing structures such as screws (item 20, see column 9, lines 39-46) which are disposed on the cooling block. One in the art would appreciate that disposing the frame on the cooling block rather than directly attaching it to the heating structures would prevent overheating of the springs of Okada, thus improving the apparatus life. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated attachment of the frame to the cooling block in order to prevent overheating of the less durable springs which form the stressing means.

Response to Arguments

7. Applicant's arguments filed 4-25-2003 have been fully considered but they are not persuasive.

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., i.e., whether or not the "heat shield elements/structure for enclosing the peripheral region" are separated or non-separated from the press) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

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the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Furthermore, the Morse reference provides motivations for including the "heat shield elements/structure for enclosing the peripheral region" in DE 92 18 985.

10. In response to applicant's argument that "heat shield elements/structure for enclosing the peripheral region" of Morse prevents heat exchange when the press is open, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (703) 305-3435 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

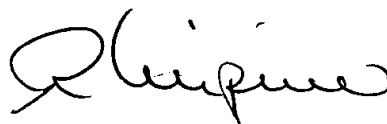
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



George R. Koch III
June 13, 2003



RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700